

City of San Jose - PBCE – Planning Division - Imaging Index Cover Sheet

Address/Location: **Generally bounded on the north by I-280, on the east generally by the rear property lines of the lots on the east side of South 3rd Street, on the west by the alley between S 1st St and S 2nd St, and on the south by Martha St (918 S 3RD ST)**

Permit/Project No.: **CA07-001** Issuance Date: **08/14/07**

Prepped By: **PSHAFFER** Closed By: **CSTAN3** RSN: **1263993**

| Category | Document Type | Sub Document Type |
|---|---|--|
| <input type="checkbox"/> (EF) Environmental Files (203) | <input type="checkbox"/> (PP) Public Project Files (203-03) | <input type="checkbox"/> (EN) EIR <input type="checkbox"/> (DA) Approved Document <input type="checkbox"/> (EM) Maps <input type="checkbox"/> (AE) Application <input type="checkbox"/> (AG) Agency Correspondence <input type="checkbox"/> (EG) General Correspondence <input type="checkbox"/> (TR) Technical Reports <input type="checkbox"/> (RE) Archaeological Reports <input type="checkbox"/> (EP) Plans |
| <input type="checkbox"/> (GP) General Plan (204) | <input type="checkbox"/> (GA) General Plan Amendments (204-02) | <input type="checkbox"/> (AM) Amendment <input type="checkbox"/> (AA) Application <input type="checkbox"/> (CG) Correspondence |
| | <input type="checkbox"/> (GE) Environmental Review (for 204 series GP Amendments) | <input type="checkbox"/> (GD) Approved Document <input type="checkbox"/> (GI) EIR <input type="checkbox"/> (GS) Supporting Documents <input type="checkbox"/> (GT) Technical Reports <input type="checkbox"/> (GR) Archaeological |
| <input checked="" type="checkbox"/> (DR) Development Review (207) | <input checked="" type="checkbox"/> (PR) Projects (207-02, 207-03, etc.) | <input type="checkbox"/> (ZN) Zoning <input type="checkbox"/> (PE) Permit <input type="checkbox"/> (MP) Maps <input type="checkbox"/> (AP) Application <input type="checkbox"/> (AC) Agency Correspondence <input checked="" type="checkbox"/> (GC) General Correspondence <input type="checkbox"/> (PL) Plans <input type="checkbox"/> ST Approved Storm-Water Ctrl Plans |
| | <input type="checkbox"/> (ER) Environmental Review (for 207 series Project Files) | <input type="checkbox"/> (EA) Approved Document <input type="checkbox"/> (EI) EIR <input type="checkbox"/> (ES) Supporting Documents <input type="checkbox"/> (ET) Technical Reports <input type="checkbox"/> (AR) Archaeological |
| | <input type="checkbox"/> (AD) Adjustments (207-12) | <input type="checkbox"/> (DO) Documents <input type="checkbox"/> (PA) Plans <input type="checkbox"/> SW Approved Storm-Water Ctrl Plan <input type="checkbox"/> PK Parking Analysis |
| | <input type="checkbox"/> (PI) Public Info Letters (207-29) | <input type="checkbox"/> (LE) Letter <input type="checkbox"/> (LS) Supporting Docs |

Ketchum, Stan

From: JON DAMICO [jon.damico@sbcglobal.net]
Sent: Tuesday, August 14, 2007 8:05 AM
To: Ketchum, Stan
Cc: Jim D'Amico; Khanh.Bui@sanjoseca.gov
Subject: Re: Request for deletion of properties from proposed Martha Gardens Conservation Area

Good Morning Stan,

Thank you for your follow up. I have pasted Khanh's email below for reference.

The APN's listed below are the properties that we are requesting to be EXCLUDED from the conservation area. These three parcels are all commercial properties that do not "fit" into the conservation area definition.

It is my understanding that there is no official form that needs to be completed to request that these parcels be excluded from the conservation area. If there is anything further that you require from us to exclude these properties, please contact me.

Thank you for your assistance in this matter.

Jon D'Amico

408-391-6361 (mobile)

Hi Patrice,

I understand that Sam worked with Planning this weekend re: Mr. James Damico's concerns.

I spoke with James's son, Jon, this morning and they are requesting that the following APN's be EXCLUDED from the Conservation area.

1. APN 472-17-094 (807 S. 2nd St.)
2. APN 472-17-095 (831 S. 2nd St.)

8/14/2007

3. APN 472-17-034 (833 S. 2nd St.)

I told them that you might have a formal/official form that he might have to fill out. Can you please follow up with him? Thank you.

Jk

Ps. Jon, if any of this is incorrect, please contact Patrice directly. Thanks.

----- Original Message -----

From: "Ketchum, Stan" <Stan.Ketchum@sanjoseca.gov>

To: 'jon.damico@sbcglobal.net'

Cc: "Bui, Khanh" <Khanh.Bui@sanjoseca.gov>

Sent: Monday, August 13, 2007 2:58:24 PM

Subject: Request for deletion of properties from proposed Martha Gardens Conservation Area

Hi, Jon. I am Patrice Shaffer's supervisor. Patrice is the Project Manager for the Martha Gardens Conservation Area. She is out today, and I am responding to Khan Bui's forward of your request to delete what I understand are the properties comprising the D'Amico Tire Service Company from the boundary of the proposed Martha Gardens Conservation Area (APN 472-17-034, -094, -095). Planning Staff would not oppose such a request. We are pleased that you are willing to retain Mr. D'Amico's victorian single family dwelling within the Conservation Area. There is no official form to request removal of the properties. I would request that you send me an E-mail to that effect today. We will coordinate with Councilmember Liccardo's office to ensure that your request is entered into the record of the public hearing tomorrow and reflected in the final description of the conservation area boundary. If you have any questions, you can reach me at 535-7876. Stan Ketchum

8/14/2007

Shaffer, Patrice

From: Bui, Khanh
Sent: Thursday, August 09, 2007 2:54 PM
To: Shaffer, Patrice
Subject: FW: D'Amico concerns with response letter

Hi Patrice, Stan asked me to forward this to you.

Thanks.

Khanh D. Bui
Staff Director, Office of Councilmember Sam Liccardo
408-535-4932 (T) | khanh.bui@sanjoseca.gov

From: Chaudhry, Rabia
Sent: Thursday, August 09, 2007 9:08 AM
To: Dawson, Roma; Bui, Khanh
Subject: FW: D'Amico concerns with response letter

Hi Roma and Khanh:

I spoke to Jim D'Amico this morning and I've reviewed these documents. Jim said he never received a voice message, I'm sure it's just a mix-up. Reading through staff's responses, there may be some legitimacy to his concerns. Could your office contact Jim at 408-499-3380 and talk with him? Dave would greatly appreciate it.

thanks,
Rabia

Rabia H. Chaudhry
Chief of Staff, Office of Vice Mayor Dave Cortese
200 E. Santa Clara St., 18th Floor | San Jose, CA 95113
408-535-4908 (T) | rabia.chaudhry@sanjoseca.gov

From: sjcp [mailto:sjcp@worldnet.att.net]
Sent: Wednesday, August 08, 2007 9:56 AM
To: rabia.chaudhry@sanjoseca.gov
Subject: D'Amico concerns with response letter

Rabia,

Attached is an exact list of questions I asked at the meeting on June 13. It may take a bit of time to compare what 'staff' perceived; and what I actually asked.

Additionally, the responses seem to be out of some play book; and an avoidance of the real, tough and serious issues

8/14/2007

which have NOT been addressed in anything I've been allowed to read.

I would like to know if your counterpart in San Llicardo's office could delay this until such time that some real "LIGHT" has been shown on the potential for the exact opposite to occur; from that which staff would like to happen.

THANK YOU!

I am available to talk all day.

Would you call me at your convenience?

Jim D.

Cell: 499-3380

D'Amico's list of questions - "exactly as asked"
At the Planning Staff meeting of June 13th

- 1) Explain "abbreviated" (compressed) time-line from the CC mtg. of 4/10 to the proposed CC mtg. of 6/2.
- 2) Explain the discrepancies with the map and the verbal/text boundaries in the "Staff Report".
- 3) Explain the "NEW" definition of Victorian Era homes, etc. in the "Staff Report". Did you invite or solicit input from the Santa Clara Valley Victorian Preservation Assn.?
- 4) Explain discrepancies for "contiguous parcels" shown on 'black and grey' map - some appear to be 'in' and some are not.
- 5) Give a clear explanation of what "participating" parcels can and cannot do with development.
- 6) Explain rationale behind including "contiguous" parcels.
- 7) What is "Planning's" understanding of the special, extra costs to save and restore a Victorian?

- 8) Has Planning considered that some "participating" parcels may become a part of increasing; not decreasing "BLIGHT"?
- 9) How do "Rooming Houses" fit in the plan?
- 10) How does Planning expect to attract small, "clean" business (i.e. B&B's, Professional Offices, etc.)?
- 11) What is the process to "OPT OUT"? - (this question was asked by homeowner: Zi Liang Lu)

REQUESTS made of staff:

- 1) Would like an inventory by address (and name of owner) of each participating parcel
- 2) Requested a complete copy of the "Specific Plan"

NIETHER OF WHICH HAVE EVER BEEN PROVIDED !!!!!!!

The "revised" questions and answers make me wonder if I communicated any of my concerns in the meeting.

Jim D'Amico

**Proposed Martha Gardens Conservation Area Comment
Card**

Is your property used as a Single-Family Residence? NO

If not, what is it (i.e., Multi-Family, Commercial, etc.)? duplex

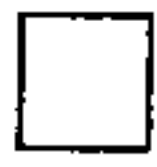
We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

We are new homeowners (both units owner occupied) here - we'd love to be a part of preserving this area's historical significance, AND seeing it grow to be an artist community!

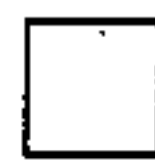
Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

Contact Information:

Name: Sarah Garcia

Address: 740 S. 3rd St # B SJ CA 95112

Phone/Fax: 408 978 1814

E-Mail: sarahgarcia1@mac.com

Thank You!

Patrice Shaffer

7-011

Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? Yes

If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)

☒

Support

☐

Oppose

☐

Unsure

Additional Comments

How do we apply for landmark status?

Contact Information:

Name: Rob & Dottie Hugget

Address: 858 S. 2nd St

Phone/Fax: 408-284-4560

E-Mail: _____

Thank You!

Patrice Shaffer

**Proposed Martha Gardens Conservation Area Comment
Card**

Is your property used as a Single-Family Residence? No

If not, what is it (i.e., Multi-Family, Commercial, etc.)? Multi-Family

We would appreciate any additional comments you care to share
regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens
Conservation Area? (Please Check One)

☒

Support

☐

Oppose

☐

Unsure

Additional Comments

Contact Information:

Name: Lisa L. Dewey

Address: 460 South Eleventh Street, SJ, CA 95112

Phone/Fax: (408) 971-9790

E-Mail: lisa@lisadewey.com

Thank You!

Patrice Shaffer

**Proposed Martha Gardens Conservation Area Comment
Card**

Is your property used as a Single-Family Residence? Yes

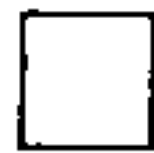
If not, what is it (i.e., Multi-Family, Commercial, etc.)? Duplex

We would appreciate any additional comments you care to share
regarding the proposed Martha Gardens Conservation Area:

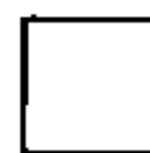
Do you support or oppose the City's proposed Martha Gardens
Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

Good & informative!

Contact Information:

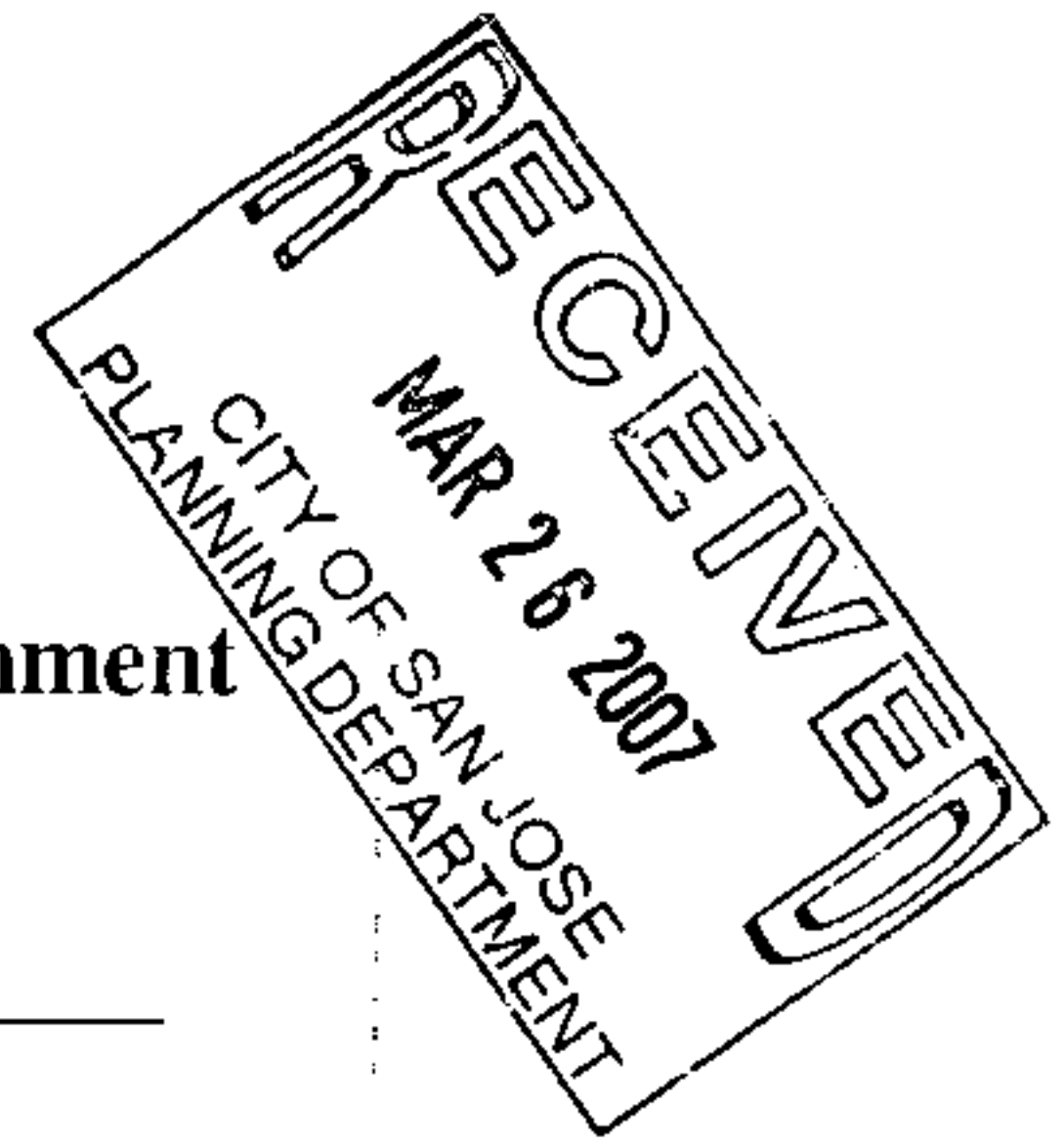
Name: MARLENE KOMROSKY

Address: 898 B S. 2ND STREET

Phone/Fax: 408. 298-4556

E-Mail: _____

Thank You!



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? yes

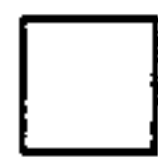
If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

Contact Information:

Name: Meadows

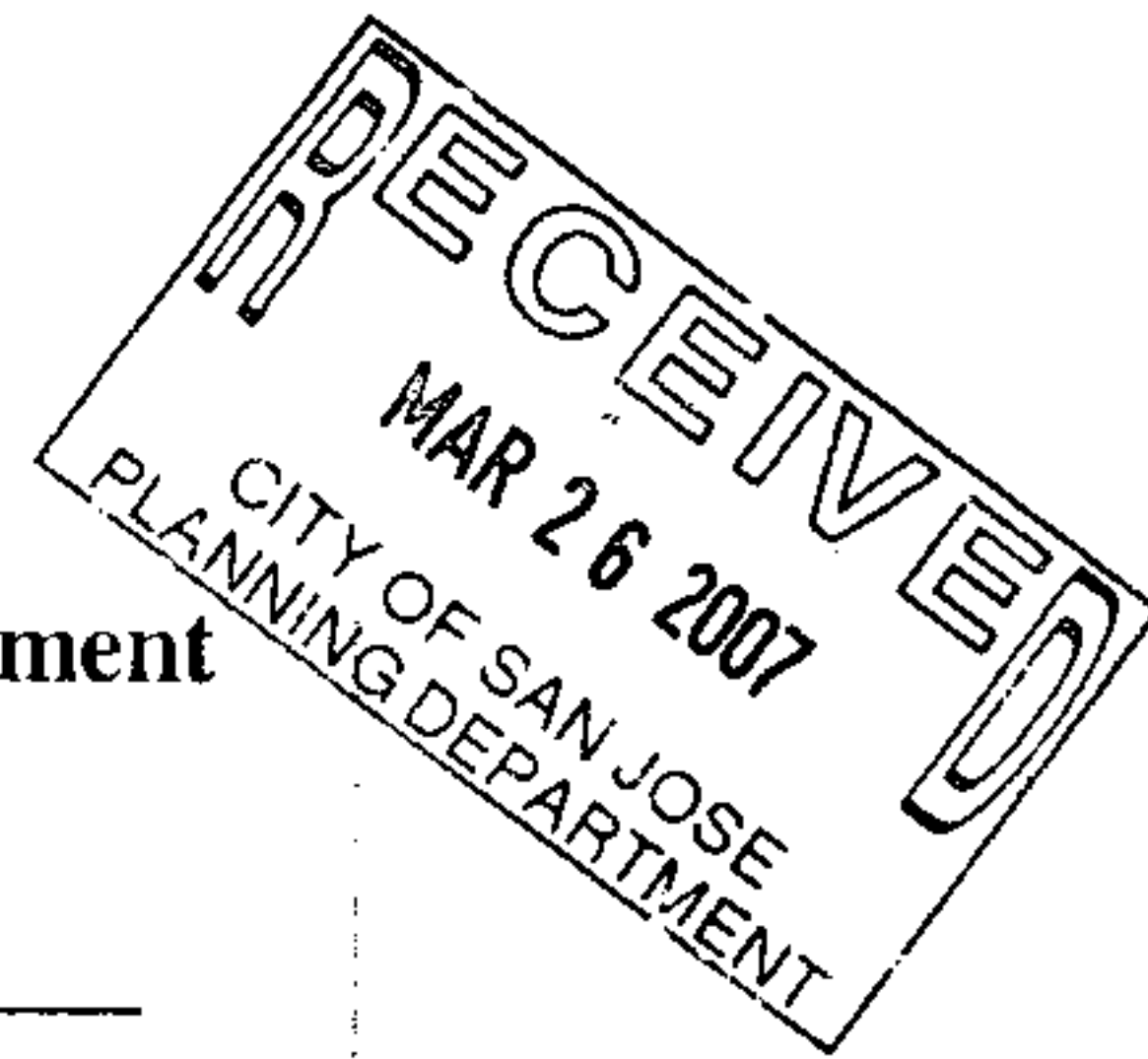
Address: 760 S. 3rd St

Phone/Fax: _____

E-Mail: AKATOBIA@Yahoo.com

Thank You!

Patrice Shaffer



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? ☒

If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens Conservation Area? *(Please Check One)*



Support



Oppose



Unsure

Additional Comments

Contact Information:

Name: _____



Mr. Paul R. Scannell
16949 Oscar Dr.
Grass Valley, CA 95949

Address: _____

Phone/Fax: _____

530 272 7353

E-Mail: _____

Thank You!

Patrice Shaffer

Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? yes

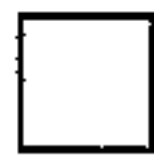
If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

Contact Information:

Name: TONY MAY

Address: 849 S. 3RD ST.

Phone/Fax: 295-2646 (408)

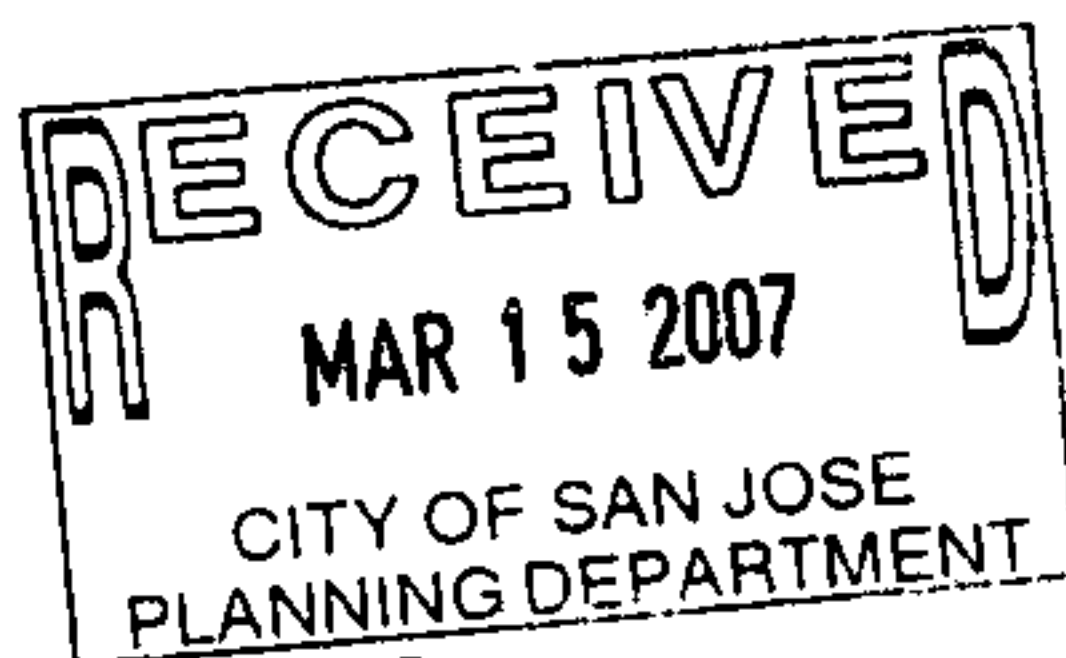
E-Mail: tony-may@sbcglobal.net

Thank You!

Patrice Shaffer

Sorry for the slow response on this. It sort of got lost on my desk.

T.M.



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? NO

If not, what is it (i.e., Multi-Family, Commercial, etc.)? APT - 7 units

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

would like to see 3RD St a two way street verse currently one way - Stop High Density Home -

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

I have a Historical Registered
Property @ 754 So 3RD St
Built 1889 "Eastlake Victorian"
Converted to Apts 1928.

Contact Information:

Name: Scott Morrella

Address: 1898 Curtner Ave

Phone/Fax: 408 398 1957 cell 408 371 0205 fax

E-Mail: _____

Thank You!

Patrice Shaffer

Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? yes

If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

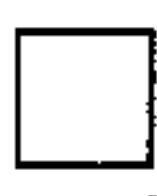
We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Most these ^{Homes} need exterior Repair
100 yrs+ Plus homes, would there be how
cost soon available? otherwise it will
take 10's of years,

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

2nd & 3rd. Under 280 Bridge is
unsightly Need to be cleaned to start.

Contact Information:

Name:

Gilbert Mendoza

Address:

684 So. 2nd St.

Phone/Fax:

559/805-5695 (cell)

E-Mail:

GilbertM@searsclean.com

Thank You!

Patrice Shaffer

Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? yes

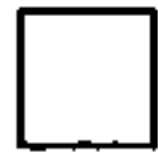
If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

Additional Comments

Contact Information:

Name: FRANK WYMAN

Address: 912 - S. 3rd St.

Phone/Fax: 971-7753

E-Mail: _____

Thank You!

Patrice Shaffer

Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? yes

If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

I would like to support improving our neighborhood for better life. And I reduce noise and commercial pollutions from this area.

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)



Support



Oppose



Unsure

I highly object to this because:

1. It reduces property market value.
2. Have to follow historic building code.

Additional Comments

I have more concern about historic house's marketing value. Historic house sometimes lose its value because of its adherence to building code.

Contact Information:

Name: ZhiLiang Lu

Address: 861 S. 2nd - Street

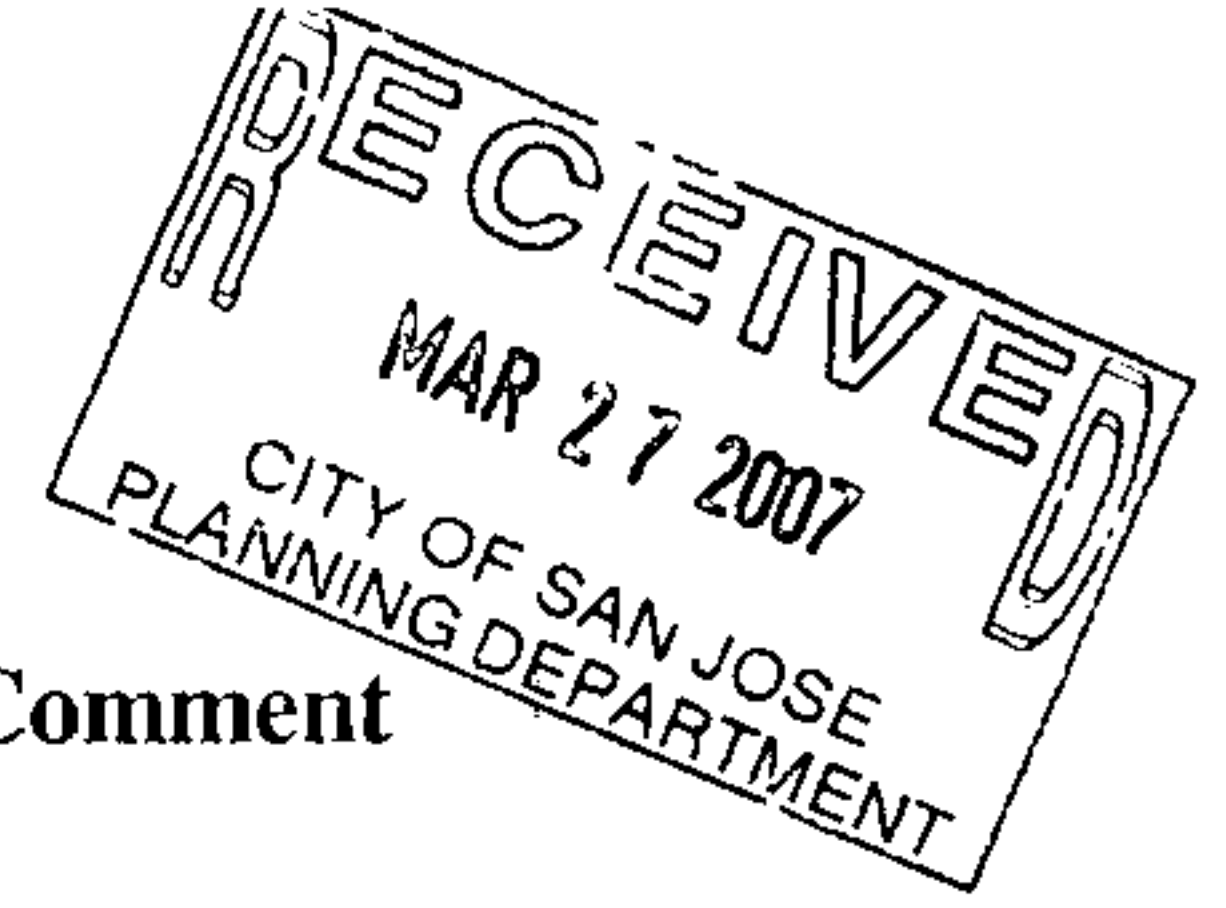
Phone/Fax: (415) 203-6032

E-Mail: drkcooter@gmail.com

Thank You!

Patrice Shaffer

(415)



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? No

If not, what is it (i.e., Multi-Family, Commercial, etc.)? Commercial (4 parcels)

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Of the "proposed" area, already too much is commercial. The project will force residential services further away from residents

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)

☐

Support

☒

Oppose

☐

Unsure

Additional Comments

Contact Information:

Name: James D'Amico

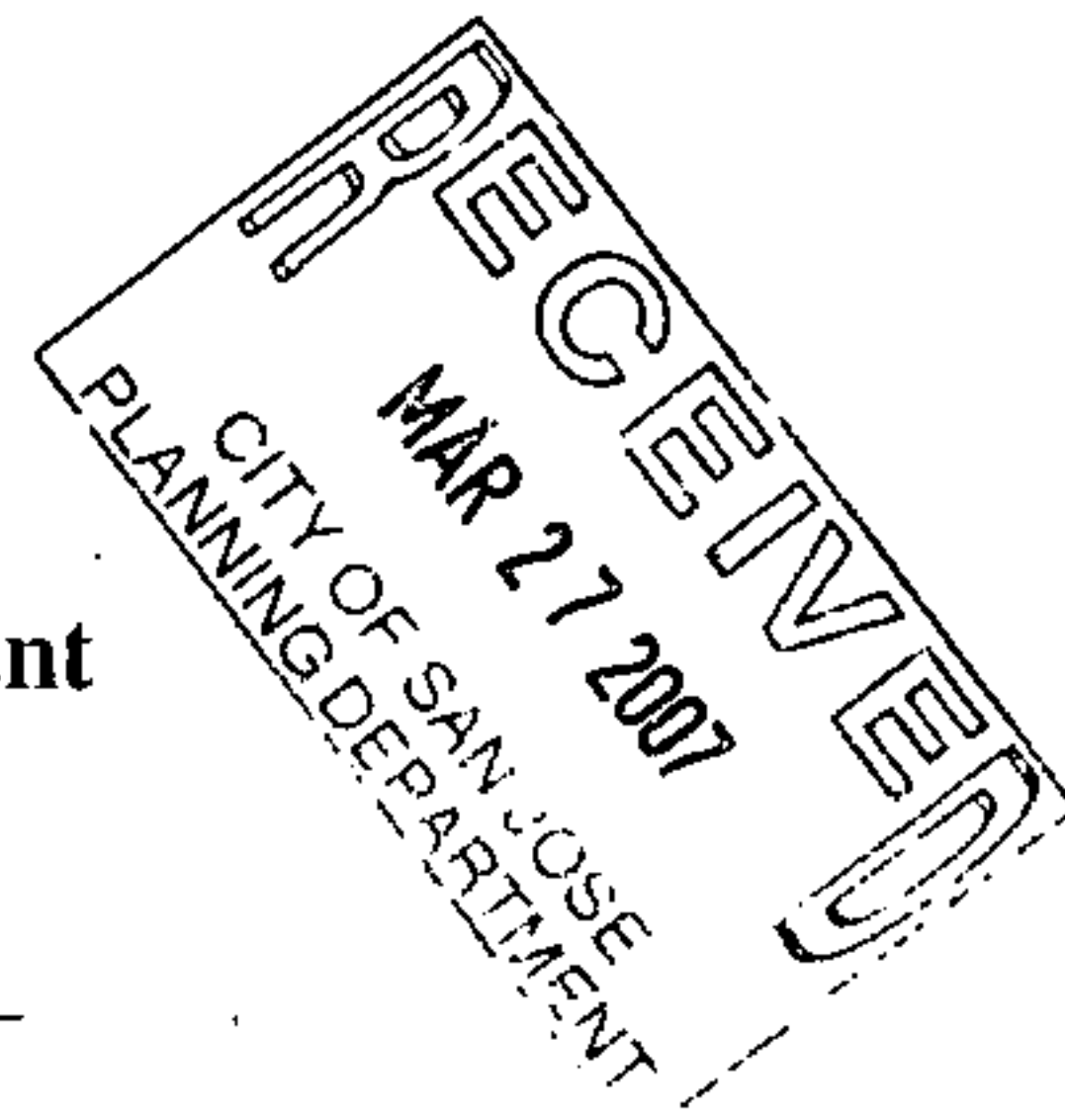
Address: ~~0000~~ P.O. Box 969 SJ 95108

Phone/Fax: (408) 258-9690 - Fax 258-9691

E-Mail: sjcp@worldnet.att.net

Thank You!

Patrice Shaffer



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? Yes

If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Parcel is already adjacent to two commercial/light industrial businesses. Already a lot of commercial on street

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)

☐

Support

☒

Oppose

☐

Unsure

Additional Comments

I suggest choosing an area that is more residential - The proposed area is too "mixed" now!

Contact Information: D'Amico Tire Service Co.

Name: San Jose Commercial Properties

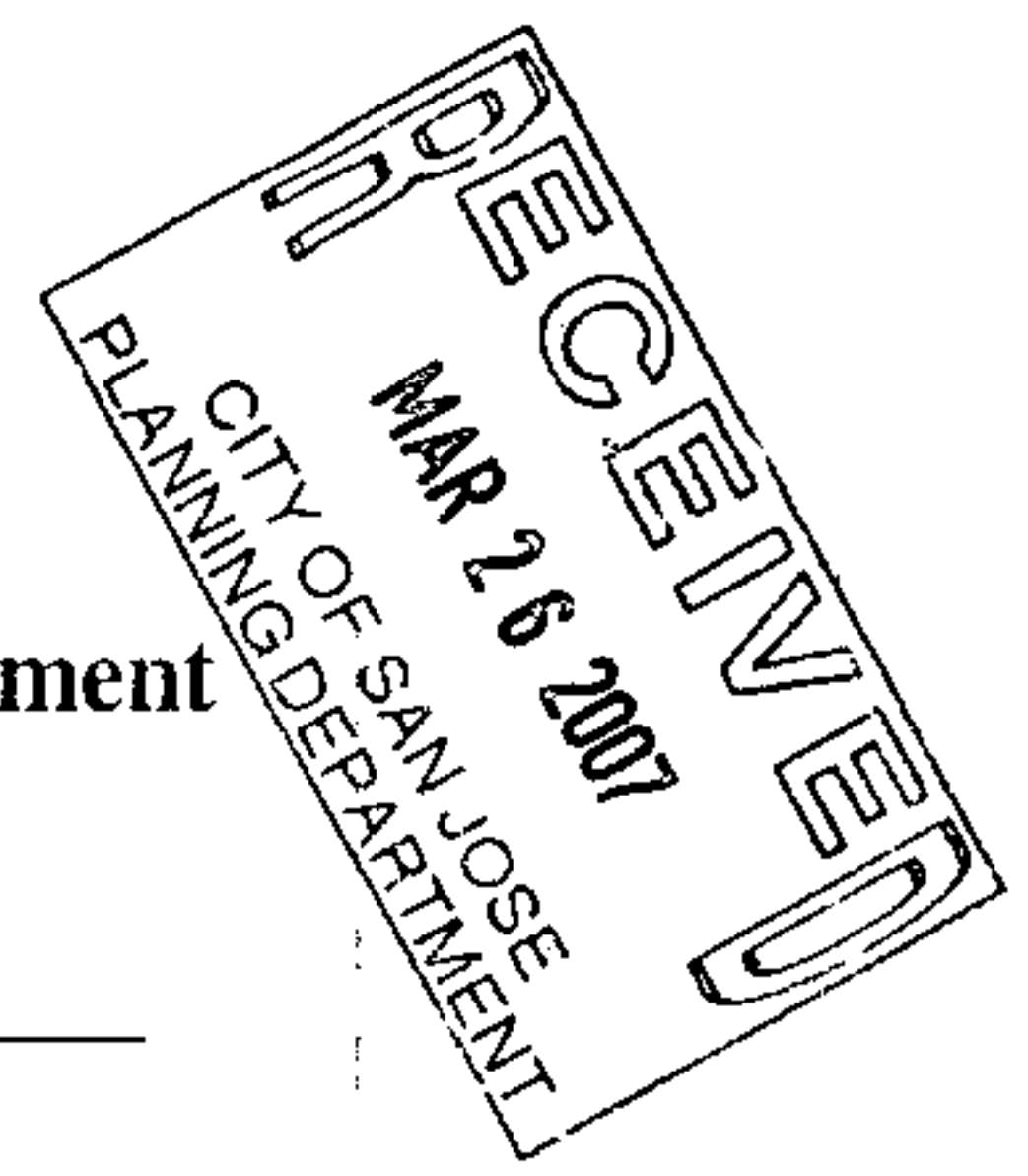
Address: P.O. Box 969 SJ 95108

Phone/Fax: (408) 258-9690 Fax 258-9691

E-Mail: sjcp@worldnet.att.net

Thank You!

Patrice Shaffer



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? _____ ✓

If not, what is it (i.e., Multi-Family, Commercial, etc.)? _____

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)

☐

Support

☒

Oppose

☐

Unsure

Additional Comments

Contact Information:

Name: ROD K. LEE

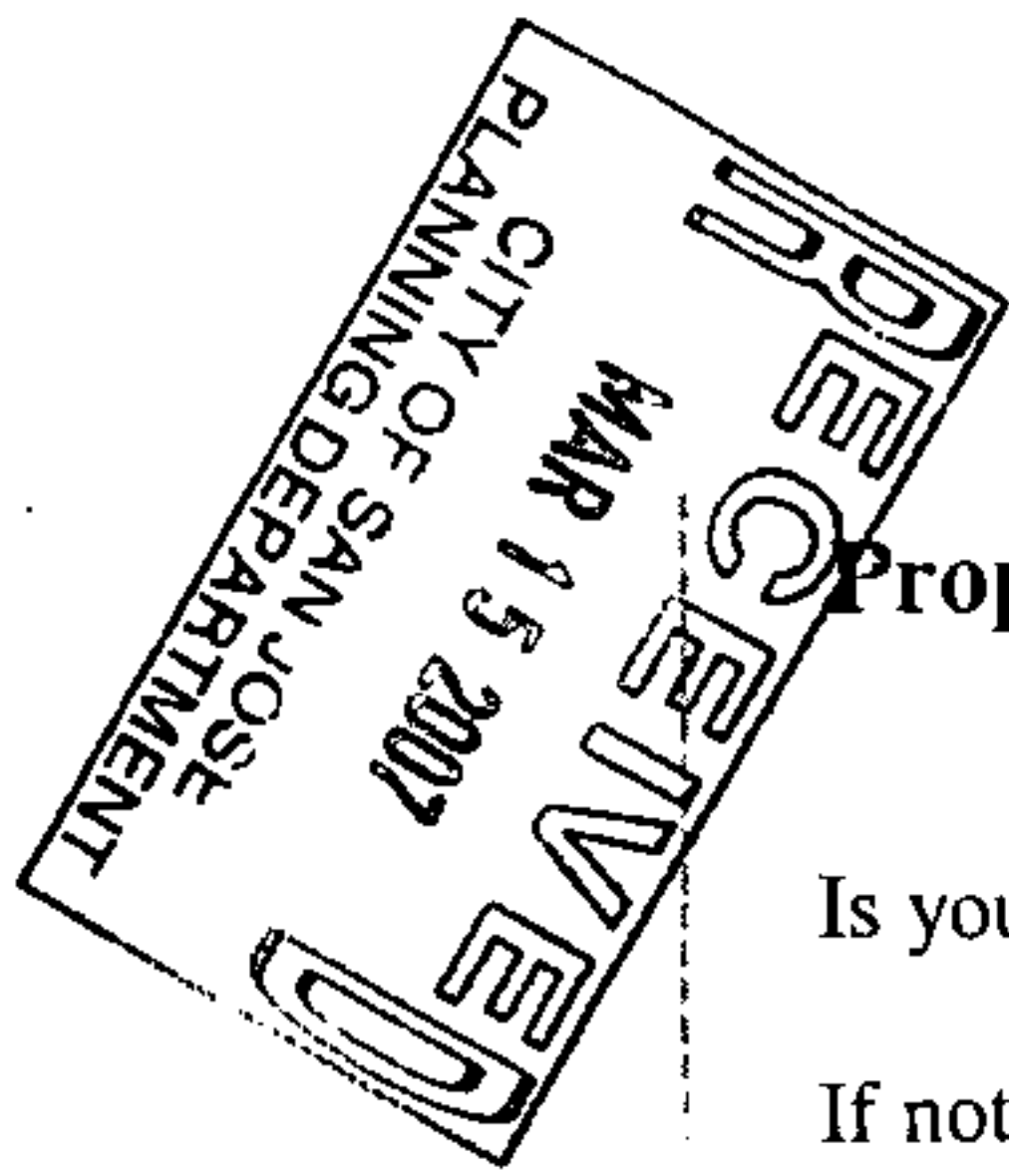
Address: P.O. BOX 60756 Sunnyvale CA 94088-0756

Phone/Fax: _____

E-Mail: _____

Thank You!

Patrice Shaffer



Proposed Martha Gardens Conservation Area Comment Card

Is your property used as a Single-Family Residence? _____

If not, what is it (i.e., Multi-Family, Commercial, etc.)? 4 -plex

We would appreciate any additional comments you care to share regarding the proposed Martha Gardens Conservation Area:

parking on 2nd St should require residents
permit only ~ restricted to those who live
there. Businesses like Wheel Works employees should park
off street.

Do you support or oppose the City's proposed Martha Gardens Conservation Area? (Please Check One)

☐

Support

☐

Oppose

☒

Unsure

Additional Comments

didn't receive packet of info

Contact Information:

Name: Draper Trust

Address: 19737 Vierra Canyon, Prunedale Ca 93907

Phone/Fax: 831-663-1111 (fax)

E-Mail: draperdesign@aol.com

Thank You!

Patrice Shaffer

May 9, 2007

Mr. Tom Bommarito
Optima Property Management
786 Camino Drive
Santa Clara, CA 95050

RE: Assessor Parcel Number (APN) 472-16-059
901 South 2nd Street


Dear Mr. Bommarito:

This letter is in response to your recent inquiry regarding 901 South 2nd Street (APN 472-16-059) at the southwest corner of Martha and South 2nd Streets between South 1st and 2nd Streets. As you requested, this letter confirms that the above-referenced property is not a part of the proposed Martha Gardens Conservation Area (see enclosed map). The following hearings (see enclosed notice) address the proposed Martha Gardens Conservation Area which does not include APN 472-16-059 at 901 South 2nd Street:

Historic Landmarks Commission Hearing on Wednesday May 2, 2007 at 6 p.m.;
Planning Commission Hearing on Wednesday May 16, 2007 at 6:30 p.m.; and
City Council Hearing on Tuesday June 5, 2007 at 7:00 p.m.

If you have any additional questions pertaining to this matter, please contact Patrice Shaffer at (408) 535-7888 or via e-mail at patrice.shaffer@sanjoseca.gov.

Sincerely,


Ms. Patrice Shaffer, AICP
Project Manager

Attachments:
Martha Gardens map
Martha Gardens public hearing notice

SPARTAN KEYES N.A.C.

**136 W. Alma Ave.
San Jose, CA 95110**

(408) 297-9135

April 20, 2007

Ms. Patrice Shaffer, AICP
Department of Planning, Building and Code Enforcement
City of San Jose, CA 95113


Dear Ms. Shaffer,

This letter is written on behalf of the Spartan Keyes Neighborhood in support of the Martha Gardens Conservation area.

Our community has voted to support this plan in order to help preserve and enhance the unique characteristics of the historical Victorian-era homes located in the Martha Gardens area.

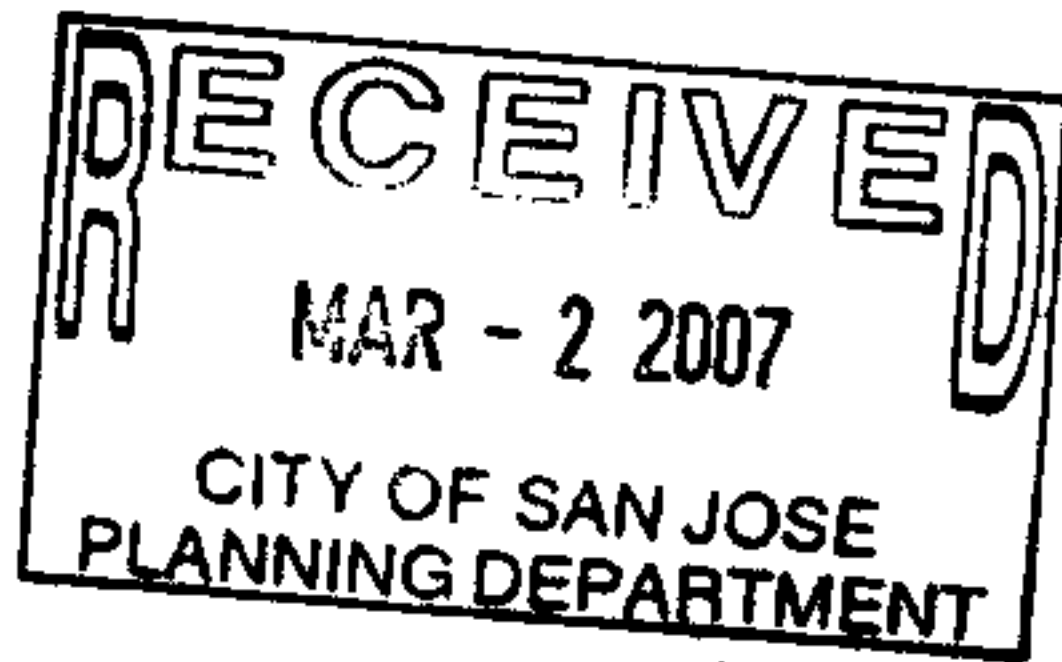
We also would like to thank everyone involved in the preservation of historical homes in the downtown area. This action will help improve the quality of life in our area.

Sincerely,


Aurelia Sanchez
Spartan Keyes N.A.C. President

CC: Hon. Sam Liccardo, San Jose Councilmember- District 3

Heritage Resource Partners



PO Box 1332
San Jose CA 95109-1332
408.369.5683 VOX
408.228.0762 FAX

TRANSMITTAL

DATE: February 28, 2007

TO: Patrice Shaffer
 Department of Planning, Building, and Code Enforcement
 200 East Santa Clara St., Third Floor Tower
 San Jose CA 95113

RE: East Gardner (Martha Gardens) Historic District Study

ITEMS: District Record, Rating Sheets, Invoice

NOTE:

We are transmitting to you the associated rating sheets for properties that we believe individually qualify for the San Jose Historic Resources Inventory within the study area, plus those properties that have extant buildings but are not contributors to the proposed conservation area. Additionally, although we realize that you and Sally have not yet completed review of the study and DPRs which were submitted previously; we believe the District Record is comprehensive enough to submit as a companion document with the DPRs. We are also submitting a revised Historic District Study with some minor changes to language in the significance analysis. Additionally, included is a CD of all the files. This completes our work on this project, although of course we remain available for corrections and meetings. Included in this packet is our invoice, which you can forward for processing when you believe we have met our contractual obligations. Thanks!

FROM: Franklin Maggi

TIME IN:

MARISCAL, WEEKS, MCINTYRE & FRIEDLANDER, P.A.

2901 North Central, Suite 200

Phoenix, Arizona 85012-2705

Phone: (602) 285-5000

Fax: (602) 285-5100

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED BELOW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

RECEIVING PARTY**Patrice Shaffer
Daniel Pollack****COMPANY****City of San Jose, CA
Pollack Investments****FAX NUMBER****408-292-6055
480-814-7741**

CONFIRM NO.:

FROM: **Spencer W. Cashdan, Esq.** (Direct Line: 602-285-5041)NUMBER OF PAGES: **6** - INCLUDING COVER PAGE

***** REMARKS *******Re: CA07-001 Conservation Area Designation**

**IF YOU HAVE NOT PROPERLY RECEIVED THIS FACSIMILE
PLEASE CALL US AT (602) 285-5113
OUR FAX NUMBER IS (602) 285-5100**

DATE: **June 4, 2007**
REQUESTER: **SWC/law**FILE NUMBER: **10396-342**
USER NO: **6041**

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PHILLIP WEEKS (1936-1998)
DONALD N. MCINTYRE (1932-1998)

LAW OFFICES

MARISCAL, WEEKS, MCINTYRE & FRIEDLANDER, P.A.

RECEIVED

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JUN - 5 2007

CITY OF SAN JOSE
DEVELOPMENT SERVICES

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OUR FILE NO.: 10396-342

June 4, 2007

Via Facsimile and Federal Express

CITY OF SAN JOSE
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street
San Jose, California 95113
Attention: Ms. Patrice Shaffer

Re: **CA07-001 Conservation Area Designation**

Dear Ms. Shaffer:

Please consider this letter in connection with the public hearing on the referenced matter, which is scheduled for June 5, 2007 at 7:00 p.m. This firm represents Martha & 3rd, LLC, a California limited liability company ("Owner"), which is the owner of certain real property commonly known as 828 S. 3rd Street (APN# 472-18-014) (the "Property"). Currently, only a small portion of the Property is designated to be included in the Conservation Area, which portion is legally described on Schedule A attached to this letter (the "Included Land").

As you know, the purpose of creating the Conservation Area is to preserve the historic architecture for the single family homes located within the proposed Conservation Area. However, the Property is not a single family home – it is an industrial building which has no historic value or appeal. Inclusion of the Included Land in the Conservation Area would not, in any way, serve to effect the purposes in establishing the Conservation Area, and would diminish the value of the Property as industrial real estate.

Accordingly, on behalf of Owner, I ask the following:

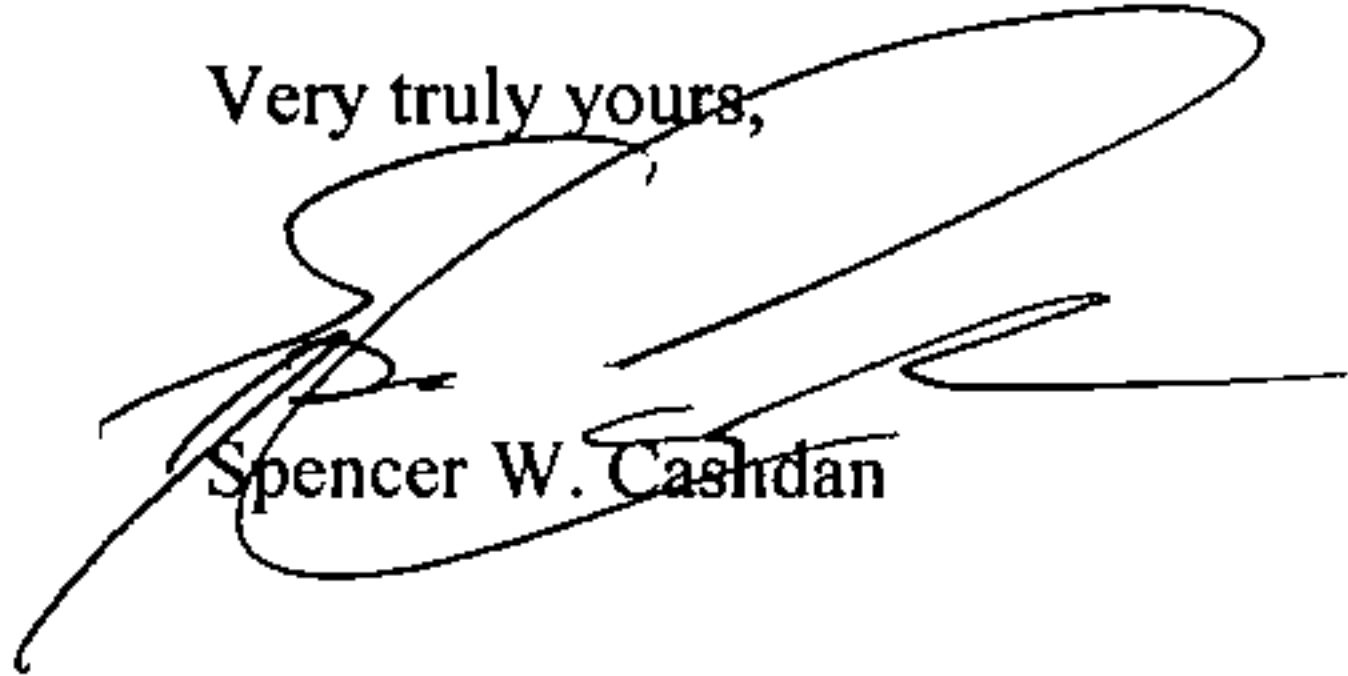
1. Please remove the entire Property (including the Included Land) from the Conservation Area.

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2. If you do not agree with #1, above, please be sure to specifically state in your hearing and in any ruling based thereon, that only the Included Land is part of the Conservation Area, and that the remainder of the Property (which is legally described on Schedule B attached to this letter) is not a part of the Conservation Area.

Thank you for your consideration in this matter. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



Spencer W. Cashdan

cc: Mr. Daniel Pollack (*via facsimile*)

Schedule A

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the point of intersection of the Northerly line of Lewis Street, with the Easterly line of Third Street; running thence from said point of beginning Northerly along the Easterly line of Third Street, 62.84 feet to the Southwesterly corner of that certain parcel of land described in the deed from George D. Toy to Berta L. Hammond, dated April 8, 1902, recorded April 29, 1902 in Book 253 of Deeds, page 478, Santa Clara County Records; running thence Easterly along the Southerly line of land so described in the Deed to said Toy, 125.00 feet to the Southeasterly corner thereof; said corner being on a line which is 125.00 feet Easterly from the Easterly line of Third Street; running thence Southerly and parallel with the said Easterly line of Third Street, for a distance of 62.84 feet, more or less, to a point on the said Northerly line of Lewis Street; running thence Westerly along the said Northerly line of Lewis Street, 125.00 feet to the point of beginning.

Schedule B

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the point of intersection of the Northerly line of Lewis Street, with the Easterly line of Third Street; running thence from said point of beginning Northerly along the Easterly line of Third Street, 62.84 feet to the Southwesterly corner of that certain parcel of land described in the deed from George D. Toy to Berta L. Hammond, dated April 8, 1902, recorded April 29, 1902 in Book 253 of Deeds, page 478, Santa Clara County Records; running thence Easterly along the Southerly line of land so described in the Deed to said Toy, 125.00 feet to the Southeasterly corner thereof; running thence Northerly along the Easterly line of said land of said Toy, 60.00 feet to the Northeasterly corner thereof on the Northerly line of Lot 8, in Block 52A, as said lot and block are shown upon the Map hereinafter referred to; running thence Easterly and along the Northerly line of Lot 8 and the Northerly line of Lot 9, of said Block 52A for a distance of 91.48 feet to the Northwesterly corner of that certain strip of land described in the Deed from J.F. Ulrichs and H.F. Ulrichs, to Seattle Brewing & Malting Company, a corporation, dated July 29, 1903, in Book 271 of Official Records, page 228, Santa Clara County Records; running thence Southerly along the Westerly line of said strip of land 1.81 feet at the Southwesterly corner thereof; running thence Easterly along the Southerly line of said strip of land 99.87 feet to the Southeasterly corner thereof on the Westerly line of the right of way of the Southern Pacific Railroad Company; running Southerly along the Westerly line of said right of way, 427 feet, more or less, to the Northerly line of Martha Street; running thence Westerly along the said Northerly line of Martha Street, 200.94 feet; thence Northerly and parallel with the Easterly line of Third Street, 137.84 feet; running thence Westerly and parallel with the Northerly line of Martha Street, 12.84 feet to a point that is distant on said line, 125.00 feet Easterly from the Easterly line of Third Street; running thence Northerly and parallel with the said Easterly line of Third Street and its Northerly prolongation, for a distance of 167.84 feet to a point on the said Northerly line of Lewis Street; running thence Westerly along the said Northerly line of Lewis Street, 125.00 feet to the point of beginning and being all of Lot 7 and a portion of Lots 6, 8, 9 and 10 in Block 52A and all of Lots 11, 12, 17 and a portion of 18, in Block 52B, as said lots and blocks are designated and delineated on that certain Map entitled, "Map of that part of the Reed Addition called the Homestead", and which Map was recorded in the office of the County Recorder of the County of Santa Clara, State of California, on April 21, 1876 in Book A of Maps, at page 9 and all of Lots 13 and 16 and a portion of an alley 25.00 feet in width (now abandoned) in Block 52, as shown upon that certain Map entitled, "City of San Jose, copied from the original map drawn by Sherman Day, Civil Engineer", which map was filed for record in the office of the Recorder of the County of Santa Clara, State of California, in Book A of Maps, at pages 72 and 73, and a portion of Lewis Street (now abandoned) as described in the Deed from Clyde L. Fischer, as president of the City Council of the City of San Jose, a municipal corporation of the County of Santa Clara, and C.B. Goodwin, as City Manager of said City of San Jose, to Barron - Gray Packing Co., dated May 9, 1939, recorded May 12, 1939 in Book 936 of Official Records, page 31:

"TOGETHER WITH"

Those certain rights conveyed by Deed recorded on January 4, 1979 in Book E208 of Official Records, Page 150 and corrected by Deed recorded on April 18, 1981 in Book 1470 of Official Records Page 664; by Deed recorded on January 4, 1979 in Book E208 of Official Records Page 157; by Deed recorded on April 18, 1981 in Book 1470 of Official Records, Page 668.

EXCEPT that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

BEGINNING at the point of intersection of the Northerly line of Lewis Street, with the Easterly line

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Attention: Ms. Patrice Shaffer
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of Third Street; running thence from said point of beginning Northerly along the Easterly line of Third Street, 62.84 feet to the Southwesterly corner of that certain parcel of land described in the deed from George D. Toy to Berta L. Hammond, dated April 8, 1902, recorded April 29, 1902 in Book 253 of Deeds, page 478, Santa Clara County Records; running thence Easterly along the Southerly line of land so described in the Deed to said Toy, 125.00 feet to the Southeasterly corner thereof; said corner being on a line which is 125.00 feet Easterly from the Easterly line of Third Street; running thence Southerly and parallel with the said Easterly line of Third Street, for a distance of 62.84 feet, more or less, to a point on the said Northerly line of Lewis Street; running thence Westerly along the said Northerly line of Lewis Street, 125.00 feet to the point of beginning.